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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

- 1 -

Docket No. 0756-2288

#26

Response  
5/21/03  
any

In re Patent Application of ) Art Unit: 2826  
Shunpei YAMAZAKI ) Examiner: M. Tran  
Serial No. 09/832,844 )  
Filed: April 12, 2001 )  
For: ELECTRO-OPTICAL DEVICE )

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with The United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 5.15.03

Name: Ashley MX Stamps

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Official Action mailed January 15, 2003 has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to May 15, 2003. Accordingly, Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 12, 2001; May 16, 2001; November 2, 2001; November 27, 2001; March 7, 2002; May 1, 2002; May 20, 2002, and October 21, 2002. Applicant awaits consideration of the Information Disclosure Statements filed on January 8, 2003 and March 13, 2003. A further Information Disclosure Statement is submitted herewith and careful review and consideration of this Information Disclosure Statement is requested.

Claims 1-30 are now pending in the present application, of which claims 1, 4, 7, 11, 15, 19, 22, and 26 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

The Official Action rejects claims 1-30 under the doctrine of obviousness-type double patenting over claims 1-55 of co-pending Application No. 09/448,463, and claims 1-6 and 19-30 of co-pending Application No. 09/448,756. MPEP § 804(I)(B) is directed

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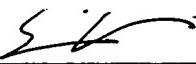
to provisional double-patent rejections between pending applications. This section of the MPEP states:

The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent. MPEP § 804(I)(B) (emphasis added).

In view of this guidance, it is respectfully submitted that the provisional double patenting rejection should be withdrawn and this application passed to issue.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
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MAY 19 2003



# FEES TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known	
Application Number	09/832,844
Filing Date	April 12, 2001
First Named Inventor	Shunpei YAMAZAKI
Examiner Name	M. Tran
Group Art Unit	2826
Attorney Docket No.	0756-2288

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number  
50-2280Deposit Account Name  
Robinson Intellectual Property Law Office

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 and credit overpayments

- Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	750	201	375	Utility filing fee	
106	330	206	165	Design filing fee	
107	520	207	260	Plant filing fee	
108	750	208	375	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =			

Multiple Dependent



\$28/6  
PTO/SB/21 (08-00)

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/832,844
		Filing Date	April 12, 2001
		First Named Inventor	Shunpei YAMAZAKI
		Group Art Unit	2826
		Examiner Name	M. Tran
Total Number of Pages in This Submission		Attorney Docket Number	0756-2288

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosures 1. 2. 3. 4. 5. 6.
Remarks <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-2280 for the above identified docket number.		

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric J. Robinson, Reg. No. 38,285 Robinson Intellectual Property Law Office, P.C. PMB 955 21010 Southbank Street Potomac Falls, VA 20165
Signature	
Date	5-15-03

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Type or printed name	Adele M. Stamper		
Signature		Date	5.15.03

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